

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

NATIONAL AIR CARGO, INC.,

DEBTOR.

CHAPTER 11

CASE NO. 1-14-_____

**DEBTOR'S MOTION FOR ORDER EXTENDING DEADLINE
FOR DEBTOR TO FILE ITS SCHEDULES OF ASSETS AND LIABILITIES
AND STATEMENT OF FINANCIAL AFFAIRS**

National Air Cargo, Inc., as debtor and debtor-in-possession ("Debtor"), pursuant to Sections 105(a) and 521 of Title 11 of the United States Code ("Bankruptcy Code") and FED. R. BANKR. P. 1007(c) and 9006, submits this motion ("Motion") for an order extending the deadline ("Schedules Deadline") by which the Debtor must file its schedules of assets and liabilities ("Schedules") and statement of financial affairs ("SOFA") for an additional forty-five (45) days, without prejudice to the Debtor's ability to request additional time should it become necessary. In support of this Motion, the Debtor respectfully represents:

I. JURISDICTION & VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).
3. This Court is the proper venue for this proceeding pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The statutory predicate for the relief requested herein is are Sections 105(a) and 521 of the Bankruptcy Code, and FED. R. BANKR. P. 1007(c) and 9006.

II. BACKGROUND

5. On October 17, 2014 (“Petition Date”), the Debtor commenced this Chapter 11 case (“Chapter 11 Case”) by filing a voluntary petition (“Voluntary Petition”) for relief under Chapter 11 of the Bankruptcy Code.

6. The Debtor will continue to operate its business and manage its properties as debtor-in-possession, pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

7. The Declaration of Brian T. Conaway in Support of Chapter 11 Petition and First Day Motions (“Conaway Declaration”) provides additional information about the Debtor’s business, events leading to bankruptcy and contents of the Voluntary Petition, and is fully incorporated herein by reference.

III. REQUEST FOR RELIEF

8. By this Motion, the Debtor requests that this Court enter an order extending the Schedules Deadline by which the Debtor must file its Schedules and SOFA for an additional forty-five (45) days, without prejudice to the Debtor’s ability to request additional time should it become necessary.

9. Pursuant to Section 521 of the Bankruptcy Code and FED. R. BANKR. P. 1007(c), the Debtor must file with its voluntary petition, or within fourteen (14) days thereafter, its Schedules and SOFAs. Under FED. R. BANKR. P. 1007(c), the Debtor may obtain an extension of this deadline for cause shown, “any extension of time to file schedules, statements, and other documents...may be granted only on motion for cause shown and on notice.” Due to the complexity and diversity of its operations, the Debtor will be unable to complete its Schedules and SOFAs by the current deadline imposed under FED. R. BANKR. P. 1007(c).

10. Given the substantial burden already imposed on the Debtor's management by the commencement of this Chapter 11 Case, the limited number of employees available to collect the required information, the competing demands upon such employees, and the fact that the Debtor has a substantial number of creditors, the Debtor submits that "cause" exists to extend the Schedules Deadline by forty-five (45) days. The Debtor estimates that such an extension would provide sufficient time for the Debtor to prepare and file the Schedules and SOFAs. The Debtor hereby requests such an extension without prejudice to the Debtor's right to seek any further extension(s) of the Schedules Deadline from this Court.

IV. WAIVER OF NOTICE & STAY REQUIREMENTS

11. This Motion is necessary for the Debtor to operate without interruption and to preserve value for its estate. Accordingly, to successfully implement the foregoing, the Debtor respectfully seeks a waiver of the notice requirements and 14-day stay under FED. R. BANKR. P. 6004(a) and (h) respectively.

V. NOTICE

12. The Debtor will provide notice of this Motion to the following: (i) Office of the U.S. Trustee for the Western District of New York; (ii) Banks; and (iii) parties included on the Debtor's List of Creditors Holding Twenty (20) Largest Unsecured Claims. The Debtor submits that it does not need to provide any other or further notice.

VI. NO PRIOR REQUEST

13. The Debtor has not made any prior request for the relief sought in this Motion to this or any other court.

VII. CONCLUSION

WHEREFORE, the Debtor respectfully requests that this Court enter an Order, substantially in the form of the *proposed* Order attached hereto as **Exhibit A**, along with such other relief as this Court deems just and proper.

Dated: October 17, 2014
Buffalo, New York

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